Filing date:

ESTTA Tracking number:

ESTTA618851 07/31/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201238
Party	Plaintiff Neways, Inc.
Correspondence Address	JOHN C STRINGHAM WORKMAN NYDEGGER 1000 EAGLE GATE TOWER, 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111 UNITED STATES tvuksinick@wnlaw.com, jhutchison@wnlaw.com, jgarcia@wnlaw.com
Submission	Withdrawal of Opposition
Filer's Name	Thomas R. Vuksinick
Filer's e-mail	tvuksinick@wnlaw.com, jhutchison@wnlaw.com, vgarrett@wnlaw.com
Signature	/Thomas R. Vuksinick/
Date	07/31/2014
Attachments	Stipulation for Voluntary Withdrawal of Opposition_14564.127.pdf(11219 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 85/74256 Published in the Official Gazette of April 19, 2011, Int'l Class 5

Filed: November 11, 2010

Mark: NEW WHEY

NEWAYS, INC.) Opposition No. 91201238
Opposer, v.	STIPULATION FOR VOLUNTARY WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE
NEW WHEY NUTRITION, LLC	
Applicant.	,))

Pursuant to 37 C.F.R. §2.106(c), Opposer, Neways, Inc., and Applicant, New Whey Nutrition, LLC, having fully resolved this matter, desire to terminate the above captioned proceeding. Therefore, the parties hereby stipulate to the voluntary withdrawal by Neways, Inc. of the Opposition without prejudice and to New Whey's voluntary withdrawal of its motion to amend to add a counterclaim without prejudice. The parties consent to the withdrawal of their respective claims without prejudice.

//

//

//

By: /Thomas R. Vuksinick/

THOMAS R. VUKSINICK WORKMAN NYDEGGER

60 East South Temple, Suite 1000 Salt Lake City, Utah 84111 Telephone: (801) 533-9800 Facsimile: (801) 328-1707

tvuksinick@wnlaw.com

ATTORNEYS FOR OPPOSER NEWAYS, INC.

DATED this 31st day of July, 2014.

By: /Peter M. Brody/

PETER M. BRODY NICOLE RIZZO SMITH MEERA NAIR ROPES & GRAY LLP

One Metro Center 700 12th Street NW, Suite 900 Washington, D.C. 20005 Telephone: (202) 508-4612 Facsimile: (202) 383-7777

Facsimile: (202) 383-7777 peter.brody@ropesgray.com nicole.smith@ropesgray.com meera.nair@ropesgray.com

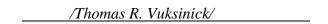
ATTORNEYS FOR APPLICANT NEW WHEY NUTRITION, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STIPULATION FOR VOLUNTARY WITHDRAWAL OF OPPOSITION WITH PREJUDICE** was served upon Applicant via email and U.S. Mail and is addressed to the Applicant at the current correspondence address listed on the United States Patent and Trademark Office's TARR database:

Peter M. Brody
Nicole Rizzo Smith
Meera Nair
ROPES & GRAY LLP
One Metro Center
700 12th Street NW, Suite 900
Washington, DC 20005
peter.brody@ropesgray.com
nicole.smith@ropesgray.com
meera.nair@ropesgray.com

Dated this 31st day of July, 2014.



4684629_1.doc